

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 18 AUG 2005

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Applicant's or agent's file reference 2003P09794WO/P68/AN		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/008841		International filing date (day/month/year) 05.08.2004		Priority date (day/month/year) 14.08.2003
International Patent Classification (IPC) or national classification and IPC G06F9/46				
Applicant SIEMENS AKTIENGESELLSCHAFT				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input checked="" type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 31.03.2005		Date of completion of this report 18.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Dieben, M Telephone No. +31 70 340-4440		

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-4 as originally filed

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1/1 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing *(specify)*:
 - ☐ any table(s) related to sequence listing *(specify)*:

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. II Priority

1. ☐ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:
☐ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:
see separate sheet

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item II

The International Searching Authority has not been able to consider the validity of the priority claim because a copy of the earlier application whose priority has been claimed was not available at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: XP686013 "Definition of a global Wake on Local Area Network Frame" by IBM

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-9 does not involve an inventive step in the sense of Article 33(3) PCT.

- 2.01 The subject-matter of claim 1 does not involve an inventive step as D1 discloses:
A method ... a plurality of connected nodes (D1, page 42, lines 33-41, "all ... enabled clients") *comprising initiating a ... request at a first node* (D1, page 41, lines 33-34, "Network Manager"); *sending a packet from said first node* (D1, page 41, lines 33-34, "Network Manager") *to a second node* (D1, page 42, lines 20-25, "a system with MAC address 2F 00 80 87 69 ED") *wherein said packet is recognised by said second node as a ... command* (D1, page 42, lines 20-25, "the controller would ... compare ..."),

The method of claim 1 differs from D1 in that claim 1 defines *a method of resetting; and said second node resets itself* whereas D1 discloses method of waking-up (D1, page 42, lines 33-41, "Wake-up") and awakening nodes (D1, page 42, lines 20-25, "a system with MAC address 2F 00 80 87 69 ED would then wake up"). A reset brings a node from an active state in a default state whereas a wake-up brings a node from standing by mode in a default state. The wake-up and the reset are technically

closely related procedures. However the difference is that in the method of claim 1 the node is in an active state whereas in the method of D1 the node is a stand by state. Hence the effect of said difference is that with the method of claim 1 a node in an active state can be brought in a default state. The problem to be solved is how to bring an active node in a default state. This problem is well-known and the person skilled in the art would adapt the method of D1 using a reset command instead of a wake-up call and arrive at the method of claim 1 without the need of an inventive step.

- 2.02 The subject-matter of claims 2-3 is not inventive in the sense of Article 33(3) PCT as D1 further discloses:
wherein said reset request packet is send serially and sequentially to further nodes (D1, page 42, lines 29-31, "Token Ring" & lines 33-34, "ability to wake up all ... clients with just one packet")
wherein said nodes are arranged in a ring (D1, page 42, lines 29-31, "Token Ring").
- 2.03 The subject-matter of claim 9 does not involve an inventive step as the objections made to claim 1 apply mutatis mutandis to corresponding system claim 1.
- 2.04 The subject-matter of claim 4 further differs from D1 in that claim 4 defines *decrementing a register* each time the packet passes a node. However this additional subject-matter is not inventive since it does not solve any problem as the register is never tested. Even if the steps of testing the register and discarding the packet, where added to the method of claim 4 to implement a Time To Live (TTL)(see description, page 3 lines 1-13), the subject-matter of the amended method of claim 4 would not involve an inventive step. Implementing TTL in protocols is well-practised. For example, in the Internet Protocol, TTL is an 8 bit field that indicates how many more hops a packet should be allowed to make before it is discarded. Its the 9th octet of 20 in the IP header.
- 2.05 Dependent claims 5-8 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step in the sense of Article 33(2&3) PCT since *a time delay to be able to forward the packet before resetting* is an obvious

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consequence of the method since a node would not be able to pass the token to the next client during resetting or the token may be lost,
using a standard interface as in claim 6 is disclosed (D1, page 41, lines 3-12, "administration console")
and the features *converting a manager request* or *converting a debug command* defined in claims 7 and 8 are a juxtaposition of features. The method begins with the initiation of a request. To base the initiation on a particular event is a straight forward choice between alternatives, obvious to the person skilled in the art.

M.P.Dieben
1st Examiner